1914

Department of Foreign

OFFICE of the Commissioner

STATION Madras

R Hall

R No. 1110 Adst

Dated 9.8.24

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2nd Ex

	Date	Initial.
Given for copying		
Copied	V / 12 noon	
Examined		
Signed	11/8	
Given for despatch		
Despatched	DESPATCHED. 15 AUG 1924	
Indexed		
To be destroyed on		

(SUBJECT.)

Withdrawal of ~~application~~ appeal against dismissal

Vol.

To

The Deputy Commissioner,

Southern Division.

Through,

The Inspector,

Salt and Abkari, Mangalore Circle.

The appeal petition of B. Krishnappa, late Peon No. 77, Mangalore Circle - Office.

Most Respectfully Sheweth.

That your honour's appellant begs leave to prefer this appeal against the enclosed Order of the - Assistant Commissioner, West Coast Sub Division, treating appellant as a deserter and dismissing him from service - with effect from 15-1-24, on the following among other - grounds:-

That the charge against this appellant is that he overstayed his leave by 21 days and did not return to - duty within that period in spite of a return notice served upon him.

That from the records your honour will be pleased to see that this appellant was on sick leave on medical Certificate, and it was not possible for the appellant to appear atonce before the District Medical Officer.

That yours Honour's appellant had applied for leave and was compelled to be on long leave under Medical Certificates owing to attack of Malaria and most unfortunately for the appellant, at the expiry of his leave he was again posted to a Malarial tract viz Uppinangady Range.

That the appellant in the mean time had applied for a further extension of leave for 6 months on loss of - pay.

That however this leave was refused and he was asked to report himself for duty within two days which under the circumstances he was then placed, he could not possibly - do.

That he could not be treated as a deserter while he had applied for leave and his summary dismissal from servic after a service extending over 28 years, is appellant -- humbly ventures to submit, against all rules of justice and equity.

That the Circle Inspector, Mangalore circle, was, as appellant's ill luck would have it, very much prejudiced - against this appellant, will be seen clearly from the --- remarks, the officer thought fit to make in almost every letter of requisition , he had sent to the District Medical Officer in connection with appellants' leave.

That the 15th item in appellant's default register is another instance of the Circle Inspector's prejudice - against the unfortunate appellant, as suspension for the period referred to therein was never inflicted on this - appellant as a punishment, nor was he ever intimated of the being treated as a punishment; otherwise he would have been able to appeal against it.

Appellant has put in long service and belongs to one of the backward communities of the District.

That his services should be so summarily dismissed at this part of his age, thus depriving him of the very - means of livelihood is a great hardship and two cumulatives a punishment.

Prays therefore, your honour may be graciously -- pleased in consideration of the facts set forth above, to set aside the order of dismissal and direct appellants reinstatement.

For which act of Justice, ~~and~~ kindness and mercy appellant shall ever feel grateful.

I beg to remain,

Respectfully Sheweth,

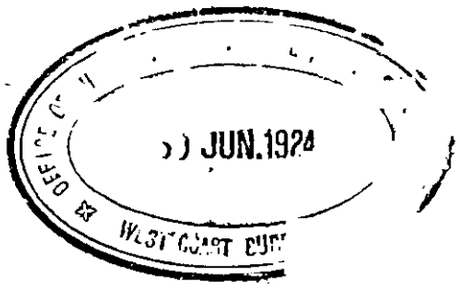
Your most Obedient Servant.

M Krishnappa

17. 6. 24

P. R. No. 92 of 1924

MS
30/6/24



RJ
7/24

MPRno 92 of 24

Forwarded to the Inspector
Mangalore Circle for early report
with all connected records

Sd/- Asst Commissioner 4/7/24

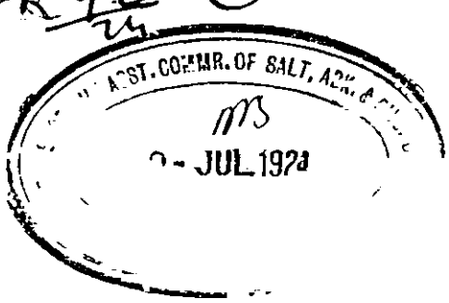
4.7.

Resubmitted to the Assistant
Commissioner, West Coast Division
with reference to this office
Mdis on C.R. No. 553/24 dated
2.7.1924

Sd/- Inspector
7/7/24
Mangalore

Sd/-
7.7.24

RPR 92/24 (4)



4243
ABKARI

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In reply, please quote number, date and short title.

EXCISE DEPARTMENT.

Received 21 JUL 1924 Registered

From (Name) W. A. Pinto Esquire,

(Designation) Assistant Commissioner of Excise,

Post Box ....., (Station) West-Coast Division, Cannanore.

Telegraphic Address .....

To The Secretary to the Commissioner of Excise.

M A D R A S.

R P R *No.* 92/24, *dated* 11-7-1924. /92

Sir

Subject:--Appeal petition - peon Krishnappa - Mangalore Circle - Dismissal from service - report submitted.

In submitting herewith the appeal petition of B.Krishnappa, late peon No.77 of Mangalore Circle, against my orders dismissing him from service with effect from 15-1-1924 I beg to report as follows:-

2. The petition is addressed to the Deputy Commissioner, but as the Deputy Commissioner's posts have been abolished from 1-4-24 I have accepted it as an appeal to the Commissioner. The copy of the punishment order said to have been enclosed in the 1st para of the appeal has not been received, but the original order is on page ~~11~~ 16 of this office file R.Dis No.35/24 dated 15-3-24 herewith submitted.

3. The appellant proceeded on leave from 11-5-23 on medical certificate and went on applying for extension with medical certificate from private medical practitioners. In respect of extension of leave from 20-11-23, the medical certificates of the private practitioners were forwarded by the Inspector Mangalore Circle, to the District Medical & Sanitary Officer, Mangalore for counter signature, and the appellant directed to appear before that officer. The appellant evaded appearing before the District Medical Officer for a long time and when he appeared before him on 15-1-24 that officer found him fit for duty. On this the appellant applied for 6 months leave on loss of pay, was refused by the Inspector,

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to return to duty forthwith. The appellant received memo on 22-1-24, but as he did not return to duty up to 7-2-24, the Inspector reported the matter to me. I gave the appellant another chance of returning to duty by directing the Inspector to serve another notice on the appellant directing him to rejoin duty within 3 days of receipt of that notice. This was served on the appellant on 16-2-24, but he did not return to duty even after 21 days after receipt thereof. The appellant committed almost a similar offence in 1922. but a very lenient view was taken then as he was only suspended. In consideration of these facts I treated the appellant as a deserter and dismissed him from service with effect from 15-1-24, the date on which he was found by the District Medical Officer to be fit to return to duty.

4. The other points referred to in the appeal call for no remarks. The appeal may be rejected.

5. The following enclosures are herewith submitted.

(1) This office file D.Dis No.1766/22 dealing with the appellant's absence during 1922.

(2) This office files D.Nos.77 and 223 of 24 and R.Dis 35/24 dealing with his absence this year.

(3) Appellant's service book D.B.extract and leave account.

For Assistant Commissioner.

4. 14-7-24

M.F. 16—5,84,250—17-12-21. (6).

OFFICE NOTE:

SUBJECT Krishnappa — late peon Mangalore Circle — appeal against dismissal

From

Krishnappa
Thro' AE Werkoor

Register No. 4243 9/24

Pl. 3 Ca

p 16 (T)

The papers below relate to the appeal of one Krishnappa late peon Mangalore Circle against the orders of the AE Werkoor dismissing him from service for absence without leave. The facts of the case are exhibited below. On 10.5.23 the leave at the appellant's credit was 9 months & 13 days ~~of which 3 months & 6 days~~.

Without M.C 3 months & 6 days

p 1 (C)

The appellant reported sick and proceeded on leave for 2 months from 11.5.23 on medical certificate. He applied for a further extension of

do -

2 months from 11.7.23 which was also granted. He did not turn up on 11.9.23 but applied for a further extension by producing a medical certifica

from a private doctor who recommended leave for 1 month from 20.9.23. This was also granted. On the expiry of this period the appellant was directed to appear before the Dt Medical Officer Mangalore on 19.10.23 but instead of complying with this requisition the appellant produced a medical Certificate from a private Dr for 6 weeks' extension of leave. The Dy Dir sent this Certificate to the Dt Medical Officer for Countersignature and the appellant was, in the Dy Dir's memo dt 13.11.23 directed to appear before the Dt Medical Officer. The appellant however could not be found and the Dy Dir's order could therefore be served on him only on 7.12.23. But the appellant did not appear before the Dt Medical Officer, ~~but~~ and produced another medical Certificate from a private doctor for another extension of 6 weeks, which Certificate was also forwarded to the D M & O for Countersignature In spite of 2 orders communicated to the appellant, he appeared before the D M & O only on 15.1.24 when he was found fit for duty. The man however did not turn up for duty but applied for 6 months' leave on

p 1 (C)

p 2 (C)

do-

p 2 (C)

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p 1 (R)

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p2 (R)

p 2 (R)

p. 2 (R)

13 (R) M/p 14 (77)

p. 6 (77)

bon ofay and threatened disinhabitation if his leave was not granted this was ignored and he was directed on 22.1.24 to ... duty at once. He however still continuing to be absent the matter was reported to the AC who gave him 2 chances for joining duty. These attempts however proved futile and the appellant persisted in not returning up to duty. Under these circumstances the AC treated him as a deserter and in his proc of 15.3.24 dismissed him from service from 15.1.24 the date on which he the appellant was posted back for duty by the DMO

The facts of the case clearly show that the appellant had no sense of responsibility even after with his service of 27 years. If he wanted long leave he could have explained the necessity for it to the proper authorities. But instead of doing this he persisted in disobeying the orders of his superiors and absented himself without leave. It is reported that he played the same trick in 1922 for which he was suspended for when he

was absent without leave from 21-2-22
to 19.9.22 and for this he was suspended
On his present appeal, the appellant
says that he had to absent himself
purely on account of ill health but
inasmuch as he was found fit for duty
on 15.1.24 by the DMO, there can be
no possible reason for him to continue
to be absent after that date
orders The appellant has shown
no grounds for interference.

Jagan
6/8/24

6/8/24

S Ue
6-8-24

C.F. 20—1,201,431—17-1

DRAFT FOR APPROVAL.

Enclosures.

Despatch No.

When given to fair-copying.

Fair-copied by

Fair copy compared by

When despatched.

Office.

Register No. 4243 dated

From

Krishnappa,
Thro' A.C. West Coast Dn

Subject.

Krishnappa – late Fcon-Mangalore Circle – appeal against dismissal

To Letter from A.C. W.C. Coast
R P R 92/248/11.7.24

The

Procgs:

The Commissioner sees no reason to interfere on behalf of the appellant

9/8/24 9/8/24

Forwarded for info & action

To

The appellant, thro the A.C. W.C. Coast Dn

Copy to A.C. West Coast. with records retd. for info & action

by order

DESPATCHED
15 AUG 1924